

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

RICARDO MEDRANO,

Plaintiff,

v.

CIVIL ACTION NO. 5:09-cv-00570

DAVID BERKEBILE,

Defendant.

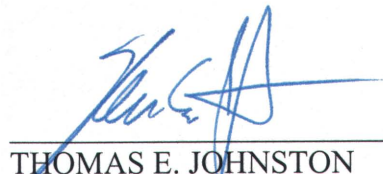
**JUDGMENT ORDER**

In accordance with the Memorandum Opinion and Order entered this day, the Court **ADOPTS** the recommendation contained in the PF&R, **GRANTS** Plaintiff's Motion to Dismiss [Docket 7], **DISMISSES** the Complaint [Dockets 2 and 6] without prejudice, and **DIRECTS** the Clerk to remove the matter from the Court's docket.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 22, 2009



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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE